



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re the Application of:

**Hendricus W. J. VAN TOL et al.**

Serial No.: 09/914,793

Filed: December 18, 2002

HOLDER FOR PLANT CUTTINGS

Atty. Dkt. No.: 00771.00025

Examiner: Valenti, Andrea M

Art Unit: 3643

**RESPONSE**

Commissioner for Patents  
Washington, D. C. 20231

*Response*  
*11/20/02*  
*Holmes*  
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NOV 14 2002  
**GROUP 3600**

Sir:

In response to the Office Action dated August 12, 2002, please consider the following remarks:

The indication that claims 18-20 are considered allowable if rewritten in independent form is appreciated.

Claim 1 is directed to a holder for plant cuttings, comprising at least one carrier and a series of clamping elements which are fixed to the carrier and which are each adapted to clamp a plant cutting, wherein the clamping elements are fixed to the carrier such that plant cuttings clamped in the clamping elements extend substantially parallel to each other, and the center of each of the clamping elements is situated substantially in the same central plane. The holder allows transport and processing of plant clippings.

Claims 1, 3-5, 7-9, 11, 12, 14, and 21-23 stand rejected as being anticipated by Tai. Instant claim 1 requires a *series* of clamping elements connected to a carrier. This arrangement allows many plant clippings to be carried with a single carrier. Tai, on the other hand, relates to a *single* clip designed to connect a stem or other part of the plant to a rigid stick. In the case of long stems, more than one clip may be needed for a single stem as shown in Figure 4. However, Tai does not teach or suggest a carrier having a *series of clamping elements* attached thereto wherein the clamping elements are *fixed* to the carrier *such that plant cuttings* clamped in the

clamping elements *extend substantially parallel* to each other. At most Tai suggests using two clamps on the same plant.

Tai does not teach each and every element of the claimed invention as required under 35 USC 102. Withdrawal of this rejection is requested.

Claims 10, 15-17, and 24 stand rejected as obvious over Tai, and claims 6 and 13 stand rejected as obvious over Tai in view of Nasuno and Court, respectfully. Tai does not teach the claimed invention for the reasons discussed above. Moreover, there is no reason why one skilled in the art would have modified Tai to include a series of clamping elements attached to a carrier to clamp plant clippings. Tai is directed to clamping a single plant stem. Neither Nasuno nor Court remedy the defects of Tai.

Similar to Tai, Nasano describes a single clip. The clip appears to be substantially larger than the Tai clip and is designed to connect to a flexible wire. See Figures 4 and 5. Nasano does not remedy the defects of Tai since Nasano does not teach or suggest a series of clamping elements attached to a carrier in accordance with claim 1.

Court describes a reinforcing element or support for extending the useful life of a cut flower. The support is designed to prevent the head of the flower from drooping. Unlike Tai and Nasano, Court does not provide a means to connect the support to an external element such as a stick or piece of wire. Court does not remedy the defects of Tai since Court does not teach or suggest a series of clamping elements attached to a carrier in accordance with claim 1.

Neither Nasano nor Court remedies the defects of Tai. Withdrawal of the instant rejection is requested.

Claims 1-5, 7-9, and 25-26 stand rejected as being anticipated by Miller. Claims 25-26 stand rejected as obvious over Miller.

Miller discloses plant supporting means for supporting plants in the ground. A horizontal rod is provided adjacent to a row of plants. Each plant in the row is connected to the rod by a loop of cord or rope. Miller provides grooves in the rod for placement of the rope or cord and to provide a releasable connection for the rope or cord. The cord or rope provides a single support

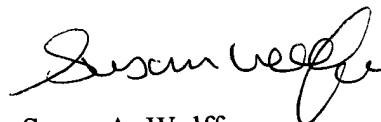
at one position of the stem of the plant to prevent the plant from falling over. But the cord or rope does not prevent rotation or growth of the plant through the loop. Thus, the rope does not clamp the plant in accordance with the claimed invention and thus cannot be used to transport plant cuttings.

The claimed invention, on the other hand, is directed to holder for plant cuttings comprising a series of clamping elements which are *fixed to the carrier* and which are each adapted to *clamp a plant* cutting. Miller does not teach or suggest clamping elements or that such clamping elements are fixed to a carrier. Instead, Miller describes a rope or cord removably inserted into grooves of a rod to prevent a plant from falling over, but to otherwise allow the plant to grow and rotate. Withdrawal of the rejections over Miller is requested.

### CONCLUSION

In view of the above remarks, withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,



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